

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 231 OF 2006

Shri Kiran P. Sanghavi. ...Applicant
V/s.
The State of Maharashtra & Anr. ...Respondent

Shri P.R. Dave with R.V. Samuel for Applicant.
Miss M.M. Deshmukh, APP for the State.
Mr.R.C. Mishra with Mr.M.P. Mishra for Respondent No.2.

CORAM : V.M. KANADE, J.

DATED : FEBRUARY 8, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. This is an application for anticipatory bail filed by the applicant who has an apprehension that he is likely to be arrested in connection with an offence which is punishable under Section 307 read with Section 34 of the IPC vide C.R.No.03/2006 filed by the complainant who was working in their company.

2. Ad-interim relief was granted in this matter and the applicant was directed to add the complainant as party respondent. The complainant has been added as

party respondent No.2.

3. The complaint which was filed by respondent no.2 against the present applicant was that at his instance, certain persons had entered into his house and had assaulted him and his son and had threatened him to withdraw the representation which he had made to the Union. It was alleged in the complaint that respondent no.2 was an employee working in the company of the applicant and on account of certain dispute, he was removed from service and his terminal benefits had not been paid. It is alleged that he was asked to meet the applicant on number of occasions and thereafter, since his dues were not paid, he had made the representation to the Union. It is alleged that applicant being aggrieved with the complainant had engaged higher link who had assaulted and threatened the respondent no.2. After the notice was served, the applicant and respondent no.2 have amicably settled the dispute and the respondent no.2 is given pay order which is issued in his name of Rs.1,70,000/- towards the full and final payment of all his dues and all his claims against the

present applicant. Respondent No.2 is present alongwith his Counsel. I have enquired with him whether he has any grievance or claim against the applicant. He has stated that he has no grievance and would not like to proceed with the application which was filed and that the said case may be quashed by this Court. The demand draft just has been received by respondent no.2 which has been handed over by the Counsel for the applicant to him in the Court.

4. Considering the statement made by respondent no.2 which has been made in the presence of his Counsel, in my view, the Criminal complaint which is registered with Tilak Nagar Police Station vide C.R.No.3/2006 can be quashed and set aside, firstly on the ground that respondent no.2 who is the original complainant has stated that he does not wish to proceed further in the said case and secondly, since the said offence which is alleged to have been committed by the applicant is compoundable as per the schedule annexed to the Cr.P.C. and thirdly, since prima facie the dispute between the parties is no longer exists and in the interest of

justice, the said proceedings should be quashed.

5. Accordingly, the complaint which is filed by respondent No.2 with Tilak Nagar Police Station vide C.R.No.3/2006 is quashed and set aside. In view of this order, the prayer made by the applicant for anticipatory bail does not survive. The application is made absolute in the above terms.

6. To be placed before the Court on Tuesday, 14th February, 2006 at 11 a.m. for directions.

(V.M. KANANDE, J.)